

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

MARIE BAPTISTE, MITCHELL MATORIN,
and JONATHAN DAPONTE,

Plaintiffs,

v.

MIKE KENNEALY, in his official capacity as
Secretary of the EXECUTIVE OFFICE OF
HOUSING AND ECONOMIC DEVELOPMENT,
and CHARLES BAKER, in his official capacity as
Governor of the Commonwealth of Massachusetts,

Defendants.

CIVIL ACTION
NO. 1:20-CV-11335-MLW

AFFIDAVIT OF RAFAEL MARES

I, Rafael Mares, do hereby declare as follows:

1. I am the Executive Director of The Neighborhood Developers (“TND”), a local community development corporation in Chelsea and Revere, also active in Everett. I have held this position since July 23, 2018.
2. Prior to assuming my position at TND, I worked as an attorney on transportation and environmental justice issues at the Conservation Law Foundation (“CLF”). For 10 years, prior to joining CLF, I served as a clinical instructor and lecturer on law at the WilmerHale Legal Services Center of Harvard Law School, where I founded the Healthy Homes and Environmental Justice Project and practiced housing law, primarily in Boston Housing Court. I hold a J.D. from Harvard Law School and a B.S. in Integrated Natural Resources from the University of Vermont. I am admitted to the bar in the Commonwealth of Massachusetts and the U.S. District Court for the District of Massachusetts. Except where otherwise specified, I make this affidavit based upon my personal knowledge.
3. TND is a community development corporation that preserves and produces affordable housing and promotes economic diversity, opportunity, and quality of life in the communities of Chelsea and Revere. TND is now also active in Everett. Our mission is to create strong neighborhoods that enable community members to

secure a stable home, achieve economic mobility, and determine their own future.

4. TND owns and operates a number of affordable housing developments in Chelsea and Revere. TND oversees 375 units in Chelsea and 86 in Revere, for a total of 461 affordable housing units. There are a total of 1,175 residents living in TND's affordable housing developments.
5. TND also leads CONNECT, an innovative partnership launched in 2012 that integrates economic mobility services across five providers. CONNECT's services fall under four broad categories: housing and income stabilization, skill building, employment services, and financial capabilities. Over the past three years, CONNECT helped over 7,000 people set and achieve financial goals. In response to COVID-19, CONNECT has helped over 2,000 callers through a COVID-19 hotline that answers questions on how to access important necessities such as Supplemental Nutrition Assistance Program ("SNAP")¹, unemployment benefits, federal stimulus checks, internet services, and Residential Assistance for Families in Transition ("RAFT")². Sixty-eight percent of the calls received through our hotline have been in Spanish. TND also works with community partners, such as United Way and the Revere Teacher's Union, to raise money to provide emergency assistance to benefit community members in need. So far, we have raised over \$3.5M.
6. Our separate Community Building program trains and supports leaders to advocate for themselves and their communities. It currently supports pandemic response efforts in Chelsea and Revere by making wellness calls to community members and recruiting volunteers to increase capacity at a local food pantry.
7. The COVID-19 rate in Chelsea, MA is the highest in the Commonwealth. Chelsea's population is burdened with high poverty rates. It also is home to a large number of immigrants without documentation, to a high number of households whose primary language is not English, and to a large percentage of employees in the service industry who are considered essential workers and are part of industries where physical distancing is not always possible.
8. Data Smart City Solutions is a project housed at the Harvard Kennedy School's Ash Center for Democratic Governance and Innovation that both works to support the adoption of data projects by local governments and researches the ways in which governments can use data to address civic problems. According to Data Smart, families

¹ SNAP is a nutrition assistance program that provides a monthly benefit to needy families in order to supplement their food budget. *See* 7 U.S.C. § 51.

² RAFT is state funding that provides short-term rental assistance to low-income families experiencing homelessness or at risk of becoming homeless.

in Chelsea are doubling and tripling up in overcrowded, substandard housing, which can result in increased spreading of COVID-19.³

9. According to the latest Massachusetts data, the positive rate of infection in Chelsea is 79/1,000 population.⁴
10. We have learned through regular communications with tenants and wellness checks with tenants that, at our rental properties in Chelsea (375 units and 968 residents), when compared with the positive test rate for the City as a whole, we have a vastly lower COVID-19 confirmed positive test rate of 8.26/1,000 people with 8 total cases.
11. Residents at TND's properties have a healthy, safe, and affordable home in which they are able to shelter in place with housing conditions that allow for social distancing and quarantining, if necessary. Residents at our properties who are essential workers and must leave to go to work therefore have a safe, healthy, and affordable home to which they can return. When a tenant tests positive for COVID-19 at one of our properties, our property management company arranges for a deep cleaning of the building and disinfects at least daily. Our resident services staff also reaches out to that household and offers assistance.
12. Recent studies such as "Racial Equity in Housing in the Time of COVID-19" conducted by The Boston Foundation⁵ and "How Cities Can use Housing Data to

³ Katharine Robb, *How Cities Can Use Housing Data to Predict COVID-19 Hotspots: Lessons from Chelsea, MA* (June 17, 2020), accessible at <https://datasmart.ash.harvard.edu/news/article/how-cities-can-use-housing-data-predict-covid-19-hotspots-lessons-chelsea-ma>.

⁴ The rate of infection is calculated using the most recent positive-case data from the Massachusetts Department of Public Health (which indicate that there are 3,106 positive cases in Chelsea (*see* <https://www.mass.gov/doc/weekly-covid-19-public-health-report-august-5-2020/download>)), divided by the population of Chelsea (which is estimated at 39,366). The population estimate is in turn based on research from the University of Massachusetts Donahue Institute, which is the data source used by the Massachusetts Bureau of Infectious Disease and Laboratory Sciences in calculating COVID-19 infection rates in cities and towns throughout the Commonwealth. *See* Susan Strate, *et al. Small Area Population Estimates for 2011 through 2020*, (October 2016), interactive data accessible at <http://www.pep.donahue-institute.org/>.

⁵ Mark Melnik, et al., *Racial Equity in Housing in the COVID-19 Era*, (July, 14, 2020), accessible at <https://www.tbf.org/-/media/tbf/reports-and-covers/gbhrc-2020-report-2-racial-equity.pdf>.

Predict COVID-19 Hotspots: Lessons from Chelsea, MA” from Harvard University⁶ have shown that people forced to live in overcrowded homes, shelters, and other congregate facilities are likely to increase the spread of the virus in the community, as there is no ability to safely social distance from others or to isolate when one is infected.

13. TND reached out to our tenants during the current pandemic as part of our effort to assure that COVID-19 transmission was minimized, both in our buildings and in the broader community.
14. The comparatively low COVID-19 infection rate at our developments demonstrates that safe, healthy, and affordable housing works to protect households and public health.
15. During this pandemic period, we have offered additional services to our residents and community members. In addition to the COVID-19 hotline referenced in paragraph 5, we also have made thousands of wellness calls and identified the leading challenges facing community members, including access to food, unemployment, and the inability to pay rent. We additionally created a fund to close the income gap many households face and have helped about 2,000 households so far.
16. The COVID-19 pandemic has shed a light on the critical role that healthy, safe, and affordable housing plays in assuring household and public health. There is no question that the eviction moratorium was the first step to stabilize the housing ecosystem. If people were forced out of their homes during the pandemic, they would face housing shortages, inability to pay for new housing (based on unemployment), and lack of shelter space. These dire circumstances would lead both to homelessness and to overcrowded and unsafe housing, each of which increases the risk of viral spread.
17. It is my considered opinion, based on experience working in leadership positions in housing and community development and economic justice, that assuring healthy, safe, and affordable housing is the most effective way to stop the viral spread and assure community health.

⁶ Katharine Robb, *How Cities Can Use Housing Data to Predict COVID-19 Hotspots: Lessons from Chelsea, MA* (June 17, 2020), accessible at <https://datasmart.ash.harvard.edu/news/article/how-cities-can-use-housing-data-predict-covid-19-hotspots-lessons-chelsea-ma>.

I declare under the penalty of perjury that the foregoing is true and correct.

Executed on August 17, 2020.

/s/ Rafael Mares

Rafael Mares

CERTIFICATE OF SERVICE

I certify that this document, filed through the Court's ECF system, will be sent electronically to registered participants as identified on the Notice of Electronic Filing (NEF).

August 18, 2020

/s/ Jennifer E. Greaney
Jennifer E. Greaney
Assistant Attorney General